

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

E. CALHOON

Civ. No. 6:23-cv-00841-AA

Plaintiff,

OPINION AND ORDER

v.

JOHN COCHRAN

Defendant.

AIKEN, District Judge:

Plaintiff filed this case on June 9, 2023. ECF No. 1. Plaintiff filed proof of service by affidavit that Defendant was served on September 2, 2023. Defendant failed to appear in the case. Plaintiff moved for Entry of Default against Defendant. ECF No. 9. Under the Federal Rules of Civil Procedure, the Court ordered the clerk to enter Defendant's default. Fed. R. Civ. P. 55(a). ECF No. 10.

Plaintiff has taken no further action in this case and Defendant has still not appeared. The Court orders Plaintiff to file a Motion for Default Judgment and seek dismissal of this case. Plaintiff is ordered to file a Motion for Default Judgment in thirty (30) days from the date of this order.

Rule 55(b)(1) and (2) explain that Plaintiff must “request” the clerk or “apply to the court” for default judgment. Plaintiff must submit an affidavit showing any amount due from Defendant and declaring whether Defendant is “incompetent” or a “minor.” If the Motion for Judgment satisfies the Court, the Court will enter Judgment against Defendant and dismiss this case.

It is so ORDERED

Dated this 12th day of June 2025.

/s/Ann Aiken

Ann Aiken
United States District Judge